

11-23-01

A

11/21/01  
JC962 U.S. PRO

Practitioner's Docket No. 700157-050007-PCT

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned

Application No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

(Continuation of PCT/US00/13715 - Filed: 19 May 2000)

For:

EPISOMALLY REPLICATING LENTIVIRAL VECTORS

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565093376US in an envelope addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Date: 21 November 2001

*Nicole M. Gignac*  
Nicole M. Gignac

JC957 U.S. PRO  
09/990879  
11/21/01

**Box Patent Application  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202**

**NEW APPLICATION TRANSMITTAL**

**1. Type of Application**

This new application is for a

*(check one applicable item below)*

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).

09990879 "62806660

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski      Group: Not yet assigned  
Application No.: Not yet assigned      Examiner: Not yet assigned  
Filed: Herewith  
(Continuation of PCT/US00/13715 – Filed: 19 May 2000)  
For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski    Group:    Not yet assigned  
Application No.:    Not yet assigned    Examiner: Not yet assigned  
Filed:    Herewith  
            (Continuation of PCT/US00/13715 -- Filed: 19 May 2000)  
For:    EPISOMALLY REPLICATING LENTIVIRAL VECTORS

**5. Declaration or Oath (including power of attorney)**

☐ Enclosed (copy from parent application)

Executed by

*(check all applicable boxes)*

- ☐ inventors.  
☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.  
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.  
☒ Not Enclosed.  
☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).*

- ☐ Showing that the filing is authorized.  
*(not required unless called into question. 37 C.F.R. Section 1.41(d))*

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

☐ The same.

**or**

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
☐ is submitted.  
☐ will be submitted.

**7. Language**

- ☒ English  
☐ Non-English  
☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned  
 Application No.: Not yet assigned Examiner: Not yet assigned  
 Filed: Herewith  
 (Continuation of PCT/US00/13715 - Filed: 19 May 2000)  
 For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

# 8. Assignment

- ☒ An assignment of the invention to Dana Farber Cancer Institute, Inc.
- ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
- ☒ will follow.
- ☐ was recorded in the parent application U.S.S.N. \_\_\_\_\_ on \_\_\_\_\_ at Reel \_\_\_\_\_ and Frame \_\_\_\_\_.

# 9. Certified Copy

Certified copy(ies) of application(s):

Country: Application No.: Filed:

from which priority is claimed

☐ is (are) attached.

☐ will follow.

# 10. Fee Calculation (37 C.F.R. Section 1.16)

- A. ☒ Regular application  
☒ Small Entity - 370.00  
☐ Large Entity - 740.00

## CLAIMS AS FILED

<u>Claims</u>	<u>Paid For</u>	<u>Extra</u>	<u>Present Rate</u>	<u>Fee</u>	<u>Addit. OR</u>	<u>Other Than A Small Entity</u>	<u>Addit. Fee</u>
Total: 15	Minus 20	0	= 0	x \$9 =		x \$18 = 0	\$ 0.00
Indep.: 2	Minus 3	0	= 0	x \$42 =		x \$84 = 0	\$ 0.00
<input checked="" type="checkbox"/> First Presentation of Multiple Dependent Claim				+ \$140		+280 =	\$ 280.00

Total  
Addit. Fee = \$ OR Total Addit. Fee = \$ 140.00

- ☐ Amendment cancelling extra claims is enclosed.
- ☐ Amendment deleting multiple-dependencies is enclosed.
- ☐ Fee for extra claims is not being paid at this time.
- Filing Fee Calculation \$\_\_\_\_\_.00

09990879 62805560

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B.      ☐      Design application  
         (\$310.00--37 C.F.R. Section 1.16(f))  
   Filing Fee Calculation      \$ \_\_\_\_\_

C.      ☐      Plant application  
         (\$480.00--37 C.F.R. Section 1.16(g))  
   Filing Fee Calculation      \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

- ☒ Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).  
☐ Applicant is other than Small Entity.

**12. Request for International-Type Search (37 C.F.R. Section 1.104(d))**

*(complete, if applicable)*

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

☒ Not Enclosed

☒ No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)*

☐ Enclosed

☐ Filing fee      \$ 00

☐ Recording assignment  
(\$40.00; 37 C.F.R. Section 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.")

09990379 112101  
FOI b7E b7C b7D b7F b7G b7H b7I b7J b7K b7L b7M b7N b7O b7P b7Q b7R b7S b7T b7U b7V b7W b7X b7Y b7Z

# THE JOURNAL OF THE

For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

[ ] Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

[ ] For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

[ ] Processing and retention fee  
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

[ ]	Fee for international-type search report (\$40.00; 37 C.F.R. Section 1.21(e))	\$
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Total Fees Enclosed	\$ .00
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#### 14. Method of Payment of Fees

[ ] Checks in the amount of \$\_\_\_\_\_

[ ] Charge Account No. 50-0850 in the amount of \$00.  
A duplicate of this transmittal is attached.

### 15. Authorization to Charge Additional Fees

[ ] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

[ ] 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

[ ] 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).

[ ] 37 C.F.R. Section 1.17 (application processing fees)

[ ] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski      Group: Not yet assigned  
Application No.: Not yet assigned      Examiner: Not yet assigned  
Filed: Herewith  
(Continuation of PCT/US00/13715 - Filed: 19 May 2000)  
For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

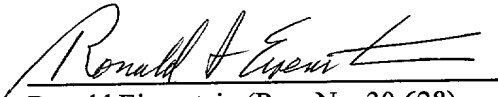
**16. Instructions as to Overpayment**

- ☐ Credit Account No. 50-0850.  
☐ Refund

Date: November 21, 2001

Respectfully submitted,

Customer No.: 26248



Ronald Eisenstein (Reg. No. 30,628)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
Tel. (617) 345-6054  
Fax (617) 345-1300

☒ **Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

- ☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 4

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

- ☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

☐ **Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

- ☐ This transmittal ends with this page.

099908 1101 6280660

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski Group: Not yet assigned  
Application No.: Not yet assigned Examiner: Not yet assigned  
Filed: Herewith  
(Continuation of PCT/US00/13715 - Filed: 19 May 2000)  
For: EPISOMALLY REPLICATING LENTIVIRAL VECTORS

Practitioner's Docket No. 700157-050007-C

**PATENT**

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

**17. Relate Back**

*(complete the following, if applicable)*

☒ Amend the specification by inserting, before the first line, the following sentence:

**A. 35 U.S.C. section 119(e)**

☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

**APPLICATION NO(S).:**

**FILING DATE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**B. 35 U.S.C. sections 120, 121 and 365(c)**

☒ "This application is a

☒ continuation

☐ continuation-in-part

☐ divisional

of copending application(s)

☐ application number 0 / \_\_\_\_\_ filed on \_\_\_\_\_"

☒ International Application PCT/US00/13715 filed on 19 May 2000 and which designated the U.S."

☒ "The nonprovisional application designated above, namely application  
PCT/US00/13715, filed 19 May 2000, claims the benefit of U.S. Provisional Application(s) No(s).:



[illegible]**FILING DATE**

[ ] Where more than one reference is made above please combine all references into one sentence.

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

The certified copy(ies) has (have)

[ ] is (are) attached.

A. ☐ Extension of time in prior application

☐ A petition, fee and response extends the term in the pending **prior** application until \_\_\_\_\_.

☐ A **copy** of the petition filed in prior application is attached.

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A copy of the conditional petition filed in the prior application is attached.

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski    Group:    Not yet assigned  
Application No.:    Not yet assigned    Examiner: Not yet assigned  
Filed:    Herewith  
(Continuation of PCT/US00/13715 -- Filed: 19 May 2000)  
For:    EPISOMALLY REPLICATING LENTIVIRAL VECTORS

## 20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

*(complete applicable item (a), (b) and/or (c) below)*

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same.

- ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

---

*(type name(s) of inventor(s) to be deleted)*

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

- ☐ the following additional inventor(s) have been added:

---

*(type name(s) of inventor(s) to be deleted)*

- (c) ☐ The inventorship for all the claims in this application are

☐ the same.

- ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

## 21. Abandonment of Prior Application *(if applicable)*

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)

09900879 1130  
"FOTET" 62806660

In re application of: Richard Lu; Wolfgang Hofmann; and Joseph Sodroski    Group:    Not yet assigned  
Application No.:    Not yet assigned    Examiner: Not yet assigned  
Filed:    Herewith  
          (Continuation of PCT/US00/13715 – Filed: 19 May 2000)  
For:    EPISOMALLY REPLICATING LENTIVIRAL VECTORS

**22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

*(check the next item, if applicable)*

☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

**23. Small Entity (37 C.F.R. section 1.28(a))**

☒ Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

099087 112101  
TOTAL 6280550

Parameter	Unit	Value	Standard Error	t-Statistic	p-Value
Intercept		0.000	0.000	0.000	0.000
Age	Years	0.000	0.000	0.000	0.000
Age squared	Years squared	0.000	0.000	0.000	0.000
Age cubed	Years cubed	0.000	0.000	0.000	0.000
Age quartic	Years quartic	0.000	0.000	0.000	0.000
Age quintic	Years quintic	0.000	0.000	0.000	0.000
Age sextic	Years sextic	0.000	0.000	0.000	0.000
Age septic	Years septic	0.000	0.000	0.000	0.000
Age octic	Years octic	0.000	0.000	0.000	0.000
Age nonic	Years nonic	0.000	0.000	0.000	0.000
Age decic	Years decic	0.000	0.000	0.000	0.000
Age undecic	Years undecic	0.000	0.000	0.000	0.000
Age duodecic	Years duodecic	0.000	0.000	0.000	0.000
Age tredecic	Years tredecic	0.000	0.000	0.000	0.000
Age quattuordecic	Years quattuordecic	0.000	0.000	0.000	0.000
Age quindecic	Years quindecic	0.000	0.000	0.000	0.000
Age sexdecic	Years sexdecic	0.000	0.000	0.000	0.000
Age septdecic	Years septdecic	0.000	0.000	0.000	0.000
Age octodecic	Years octodecic	0.000	0.000	0.000	0.000
Age novodecic	Years novodecic	0.000	0.000	0.000	0.000
Age vigintic	Years vigintic	0.000	0.000	0.000	0.000
Age unvigintic	Years unvigintic	0.000	0.000	0.000	0.000
Age bivigintic	Years bivigintic	0.000	0.000	0.000	0.000
Age trivigintic	Years trivigintic	0.000	0.000	0.000	0.000
Age quadravigintic	Years quadravigintic	0.000	0.000	0.000	0.000
Age quinquavigintic	Years quinquavigintic	0.000	0.000	0.000	0.000
Age sexavigintic	Years sexavigintic	0.000	0.000	0.000	0.000
Age septuavigintic	Years septuavigintic	0.000	0.000	0.000	0.000
Age octuavigintic	Years octuavigintic	0.000	0.000	0.000	0.000
Age nonuavigintic	Years nonuavigintic	0.000	0.000	0.000	0.000
Age decuavigintic	Years decuavigintic	0.000	0.000	0.000	0.000
Age undecuavigintic	Years undecuavigintic	0.000	0.000	0.000	0.000
Age duodecavigintic	Years duodecavigintic	0.000	0.000	0.000	0.000
Age tredecavigintic	Years tredecavigintic	0.000	0.000	0.000	0.000
Age quattuordecavigintic	Years quattuordecavigintic	0.000	0.000	0.000	0.000
Age quindecavigintic	Years quindecavigintic	0.000	0.000	0.000	0.000
Age sexdecavigintic	Years sexdecavigintic	0.000	0.000	0.000	0.000
Age septdecavigintic	Years septdecavigintic	0.000	0.000	0.000	0.000
Age octodecavigintic	Years octodecavigintic	0.000	0.000	0.000	0.000
Age novodecavigintic	Years novodecavigintic	0.000	0.000	0.000	0.000
Age vigintivigintic	Years vigintivigintic	0.000	0.000	0.000	0.000
Age unvigintivigintic	Years unvigintivigintic	0.000	0.000	0.000	0.000
Age bivigintivigintic	Years bivigintivigintic	0.000	0.000	0.000	0.000
Age trivigintivigintic	Years trivigintivigintic	0.000	0.000	0.000	0.000
Age quadravigintivigintic	Years quadravigintivigintic	0.000	0.000	0.000	0.000
Age quinquavigintivigintic	Years quinquavigintivigintic	0.000	0.000	0.000	0.000
Age sexavigintivigintic	Years sexavigintivigintic	0.000	0.000	0.000	0.000
Age septuavigintivigintic	Years septuavigintivigintic	0.000	0.000	0.000	0.000
Age octuavigintivigintic	Years octuavigintivigintic	0.000	0.000	0.000	0.000
Age nonuavigintivigintic	Years nonuavigintivigintic	0.000	0.000	0.000	0.000
Age decuavigintivigintic	Years decuavigintivigintic	0.000	0.000	0.000	0.000
Age undecuavigintivigintic	Years undecuavigintivigintic	0.000	0.000	0.000	0.000
Age duodecavigintivigintic	Years duodecavigintivigintic	0.000	0.000	0.000	0.000
Age tredecavigintivigintic	Years tredecavigintivigintic	0.000	0.000	0.000	0.000

## PATENT

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**Box Patent Application  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202**

# EXPRESS MAIL CERTIFICATE

"Express Mail" Label Number: EL565093376US

Date of Deposit: November 21, 2001

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal (7 pp.);
2. Continuation Patent Application (48 pp.): Specification 36 – pp.; Claims 3 pp.; Drawings 8 - pp.; and Abstract – 1 pg.;
3. Added Pages (4 pp.);
3. Preliminary Amendment (3 pp.);
4. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Nicole M. Gignac

**Signature of person mailing paper or fee**